

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COC-1330-2020

Date of Decision:-23.07.2020.

M/s Dahiya Traders

.....Petitioner

Versus

Keshni Anand Arora and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Amit Jhanji, Advocate for the petitioner.

Ms. Shubhra Singh, Additional A.G., Haryana.

SANJAY KUMAR, J. (Oral)

This contempt case was instituted alleging willful disobedience to the order dated 27.07.2018 passed in ***CWP-18469-2018***, titled '***M/s Dahiya Traders Vs. State of Haryana and others***'. In terms of the said order, the appellate authority was to apprise itself of the issue raised and dispose of the appeal as expeditiously as possible, but not later than 3 weeks from the date of receipt of a certified copy of the said order. This contempt case was filed on 14.07.2020 alleging that the appellate authority has not disposed of the appeal but in the meanwhile, notice dated 06.09.2019 was issued for recovery of the outstanding dues as originally claimed by the authorities.

When this case was taken up for hearing on 17.07.2020, Ms. Palika Monga, learned Deputy Advocate General, Haryana, stated on instructions that the appeal filed by the petitioner had been disposed of on 20.12.2019.

However, Mr. Amit Jhanji, learned counsel for the petitioner,

accordingly adjourned to enable the respondents to produce proof of communication of the appellate order, if any. Today, the reply filed by the Director General, Mines and Geology, the third respondent, is placed on record. Therein, he stated that the appellate order dated 20.12.2019 was sent to the petitioner by ordinary post. Extract of the online record of the Issue Branch, to this effect, was also filed. However, no actual evidence of receipt of the appellate order by the petitioner was either produced or is available with the respondents.

In the light of the aforesaid facts, the benefit of doubt would have to be given to the petitioner, as the respondents are not in a position to show that the appellate order dated 20.12.2019 was, in fact, served upon the petitioner or received by it. Even so, the merits of the appellate order dated 20.12.2019 cannot be looked into by this Court in this contempt case. It is for the petitioner to take recourse to appropriate remedies available in law, if it has any grievance therewith. As the order passed by this Court has been complied with, albeit with some delay, this Court sees no reason to exercise contempt jurisdiction at this stage. The contempt case is accordingly disposed of leaving it open to the petitioner to take steps, as advised, in relation to the appellate order dated 20.12.2019 in accordance with law.

(SANJAY KUMAR)
JUDGE

July 23, 2020.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.